

House Bill 679

By: Representative Kidd of the 145<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to  
2 review of individual's criminal history record information, so as to provide for a petition to  
3 restrict criminal record information relating to certain minors convicted of violating Code  
4 Section 40-6-391 under certain circumstances; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to review of  
9 individual's criminal history record information, is amended by revising paragraph (5) of  
10 subsection (j) and adding a new paragraph to read as follows:

11 "(5) Notwithstanding provisions to the contrary in this Code section, when an individual  
12 was younger than 18 years of age at the time he or she was arrested for a violation of  
13 Code Section 40-6-391, he or she was convicted of such offense, and such offense did not  
14 result in any physical injuries or property damage, provided that such individual  
15 successfully completed the terms of his or her sentence and, since completing the terms  
16 of his or her sentence, has not been arrested for at least three years, excluding any arrest  
17 for a nonserious traffic offense, and provided, further, that he or she was not convicted  
18 in this state of a misdemeanor violation or under any other state's law with similar  
19 provisions of one or more of the offenses listed in subparagraph (B) of paragraph (4) of  
20 this subsection, he or she may petition the superior court in the county where the  
21 conviction occurred to restrict access to criminal history record information. Such court  
22 shall maintain jurisdiction over the case for this limited purpose and duration. Such  
23 petition shall be served on the prosecuting attorney. If a hearing is requested, such  
24 hearing shall be held within 90 days of the filing of the petition. The court shall hear  
25 evidence and shall determine whether granting an order restricting such criminal history  
26 record information is appropriate, giving due consideration to the individual's conduct

31 **SECTION 2.**  
32 All laws and parts of laws in conflict with this Act are repealed.

## SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.